



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200300444

Date: March 15, 2004

Comments Due: April 14, 2004

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the North Airport Business Park project, which would result in impacts to approximately 1.18 acres of waters of the United States, including wetlands, in or adjacent to two unnamed tributaries to Stillwater Creek. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/cespk-co/regulatory/PNs/index.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: AQuest Construction, Dave Kacalek
8718 Hufford Way
Millville, California 96062
530-547-3892

LOCATION: The project site is located in Redding, Section 10, Township 31 North, Range 4 West, Shasta County, California, and can be seen on the Enterprise USGS Topographic Quadrangle.

PROJECT PURPOSE: To construct a highway accessible commercial development in the southern Shasta County/Redding area.

PROJECT DESCRIPTION: The applicant is proposing to construct a 35 acre commercial business park. The project area consists of 10 commercial lots, a creek preservation area, realignment of Old Oregon Trail, and the future alignment of the Hartnell Avenue extension. Fill activities are proposed to construct the commercial buildings, parking, freight loading areas, and install the necessary utilities. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 1.49 acres of waters of the United States within the +/- 35 acre project area. The jurisdictional waters onsite are predominately vernal pool habitat and riparian wetland. The site is characterized by relatively flat oak woodland dominated by upland grasses. The site is surrounded by mostly undeveloped Oak woodland on the South, West, and East. The site lies on both sides of the current alignment of Old Oregon Trail and is bounded on the North by State Route 44 and on the West by Airport Road. Just to

the southeast is the Shasta County Enterprise refuse transfer station. No prior construction or grading has occurred on the site other than the construction of the Airport Road Hwy 44 on-ramp and the construction of Old Oregon Trail. The project area has been highly disturbed over the years due to unauthorized off-road vehicle use and illegal dumping of refuse.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed a conceptual mitigation plan to preserve onsite approximately 0.31 acres of intermittent stream habitat and at an offsite mitigation area preserve 1.24 acres of wetlands and create and/or restore an additional 1.43 acres of wetland habitat. Total proposed offsite mitigation is 2.67 acres.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Regional water Quality Control Board in Redding, is required for this project. The applicant has indicated they have applied for certification. This project will also require a Stream Alteration Agreement from the California Department of Fish and Game and a General Grading Permit from the city of Redding. The City of Redding is also responsible for ensuring project compliance under the California Environmental Quality Act.

HISTORIC PROPERTIES: There are no known cultural resources that will be affected by the project. However, a cultural resources survey of the property must be conducted in order to determine if there are any unknown historic properties present within the project's Area of Potential Effect.

ENDANGERED SPECIES: The proposed activity may affect federally-listed as threatened vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardi*) through the fill of their potential habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the 404(b)(1) guidelines

promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230), or of their criteria.

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200300444, must be submitted to the office listed below on or before April 14, 2004:

Mr. Matthew Kelley, Project Manager
US Army Corps of Engineers, Sacramento District
Redding Regulatory Office
152 Hartnell Avenue
Redding, California 96002-1842
Email: Matthew.P.Kelley@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Mr. Matthew Kelley, 530-223-9534, Matthew.P.Kelley@usace.army.mil.

Attachments: 3 drawings